IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
THURSDAY, THE SIXTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE B.PRAKASH RAO
WRIT PETITION NO : 20329 of 1994

Between:

1. Pilaka Peddaiah, S/o. Achanna, aged 80 years
   R/o. 4-9-22., Pedda Waltair, Visakhapatnam.
2. Kaitala Apparao, aged 38 years,
   R/o. 4-41-11,Kaitalawari Street, Visakhapatnam.
3. Maddi Narasamma, aged 60 years,
   R/o. 4-27-16,Kaitalwari Veedhi, Visakhapatnam.
4. Pillikanakamma, aged 73 years,
   R/o. 4-41-14,Kaitalwari Veedhi, Visakhapatnam.
5. Baki Appa Rao, S/o Tataiah, 71 years,
   R/o. 4-4-17,Palikalavari veedhi, Visakhapatnam.
6. Palakala Nelaiah Reddy, S/o. Appa Reddy,
   80 years, R/o. 4-9-18/A,Palikalavari St. Visakhapatnam.
7. Smt. Maddi Venkapa, aged 55 years,
   R/o. 4-19-8,Palikalavari St. Visakhapatnam.
8. Palikala Ramireddy, S/o. P.Guruvulu, 40 years,
   R/o. 4-4-24/A,Palikalavari St. Visakhapatnam.
9. Palikala Lakshmi, 42 years,
   R/o. 4-4-23,Palikalavari St. Visakhapatnam.
10. Kagithala Lakshman Reddy , S/o. Achanna, aged 49 years,
    R/o. 4-44-3/1,Palikalavari St. Visakhapatnam.
11. Posagudugala Narayanamma, W/o. Ramamurthy, 75 years,
    R/o. 4-4-93,Palikalavari St. Visakhapatnam.
12. B.Rami Reddy, S/o. B.Ramaswamy, 69 years,
    R/o. 4-14-11,,Palikalavari St. Visakhapatnam.
13. Ballani Rami Reddy, s/o. B.Lachanna, aged 50 years,
    R/o. 4-16-20,Palikalavari St. Visakhapatnam.
14. Vummidi Lakshman Reddy, S/o. V.kunchayya, 61 years,
    R/o. 4-9-16,Palikalavari St. Visakhapatnam.
15. Palilaki Satyamma, W/o. Appalaswamy, 50 years,
    R/o. Palikalavari St. Visakhapatnam.
16. Muvvala Ramana, S/o. M.Chinna Musalaiah,aged 45 years,
    R/o. Palikalavari St. Visakhapatnam.
17. Gondasi Rama Reddy, S/o. G.Ramulu, aged 45 years,
    R/o. Palikalavari St. Visakhapatnam.
18. Gondasi Gurumurthy, S/o. G.Venkataswamy, 52 years,
    R/o. 4-16-45,Palikalavari St. Visakhapatnam.

19. Kanarapu Rambai, W/o. Rama Rao,
R/o. 4-46-7,Palikalavari St. Visakhapatnam.
20. Mesala Pedda Appaiyamma, W/o. Pedda Sattappa, 65 years,
R/o. 2-5-88, Govagarden, M.V.P. Colony. Visakhapatnam.
21. Bingi Suramma , aged 45 years,
R/o. 4-9-35,,Palikalavari St. Visakhapatnam.
22. G.Appayamma, aged 42 years,
R/o. 4-4-19,Palikalavari St. Visakhapatnam.
23. Maddi Satyam, S/o. M. Appala Naidu, 55 years,
R/o. 4-38-6,Palikalavari St. Visakhapatnam.
24. Marada Ramulu, S/o. Appalaswamy, 61 years,
R/o. 4-24-3,Palikalavari St. Visakhapatnam.
25. Madi Thatharao, S/o. Yeallaiah, 70 years,
R/o. 4-9-34,Palikalavari St. Visakhapatnam.
26. P.Yellayamma, aged 45 years,
R/o. 4-61-12,Palikalavari St. Visakhapatnam.
27. Kandrapu Lakshmana Reddy, S/o. K.Chinna Appala Swamy,
49 years, R/o. Palikalavari St. Visakhapatnam.
28. Kambapu Venkata Reddy, S/o. Venkataswamy, 60 years,
R/o. 4-23-3, Palikalavari St. Visakhapatnam.
29. Muvvala Polaiah, S/o. Appalaswamy, aged 80 years,
R/o. 20-40-36-A,Palikalavari St. Visakhapatnam.
30. Kandrapu Rami Reddy, S/o. K.Appalaswamy, aged 50 years,
R/o. 4-12-6,Palikalavari St. Visakhapatnam.
31. Gorugu Gowramma, W/o. Rami Reddy, aged 80 years,
R/o. Palikalavari St. Visakhapatnam.

..... PETITIONERS

AND

1. State of Andhra Pradesh, Revenue Department ,rep.by it's Principal Secretary,
Secretariat, Hyderabad.
2. Competent Authority and Special Officer, Urban Land Ceiling,
Visakhapatnam.
3. Commissioner of Urban Land Ceilings, Hyderabad.
4. District Collector, Visakhapatnam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or direction more particularly one in the nature of Writ of Mandamus declaring that the action of the respondents in not paying compensation to the lands of the petitioners in S.No.s 1 to 26 to an extent of Ac.71.01 cents situated at Pedda Waltair, Visakhapatnam, taken under Urban Land Ceiling Act, by the Govt. is bad

and illegal and consequently direct the respondents to pay compensation to the lands of the petitioner in S.No.1 to 26 to an extent of Ac.71-01 cents situated at Pedda Waltair Visakhapatnam.

Counsel for the Petitioners: MR.P.PRABHAKAR REDDY

Counsel for the Respondents: GP FOR ASSIGNMENT

The Court made the following:

O R D E R:

Heard both sides.

2. The petitioners herein filed the writ petition, inter alia, seeking writ of Mandamus challenging the action of the respondents herein in not paying compensation to the lands of the petitioners to the extent of Ac.71-01 cents in S.No.1 to 26 situated at Pedda Waltair, Visakhapatnam, which has been taken possession towards the surplus land, under the Urban Land Ceiling Act.

3. The case of the petitioners, in brief, is that even though the petitioners have been declared as surplus landholders and their lands were taken over as excess lands, the respondents cannot deny the compensation, for which they are entitled to under Law. Even under the provisions of the Land Ceiling Act and Rules made thereunder contemplates payment of such compensation, whereas, the same is not being paid. Hence, the writ petition.

4. In the counter affidavit filed by the respondents herein, it is stated that the land for which the petitioners are now seeking compensation, in fact, belongs to the temple and therefore, the petitioners have no locus standi to make any claim as such, as long as the rights, between the petitioners vis-à-vis and the temple, are decided in appropriate forum.

5. Having regard to the submissions made and also in view of

the disputed title, this court cannot decide the same nor give any relief as sought for.

6. The writ petition is, accordingly, dismissed. The petitioners are permitted to approach competent forum to establish their right and make any claim towards compensation or any other relief for which they are entitled to under Law.

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B.PRAKASH RAO,J.

Date: 16th September 2004.
BSB

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To
1. The Principal Secretary, Revenue Department,
   State of Andhra Pradesh, Secretariat, Hyderabad.
2. The Competent Authority and Special Officer, Urban Land Ceiling,
   Visakhapatnam.
3. The Commissioner of Urban Land Ceilings, Hyderabad.
4. The District Collector, Visakhapatnam.
5. Two CCs to the Government Pleader for Assignment, High Court Buildings,
   Hyderabad (OUT).
6. Two CD copies.